

Susan C. Norman, Esquire
LAW OFFICE OF SUSAN C. NORMAN
PO Box 55585
Houston, Texas 77255
Phone: 713-882-2066
E-mail: SueNorman@SueNormanLaw.com
Attorney for Debtor

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: JAMISON H. DYER
Debtor

Case No.
24-32525

JAMISON H. DYER,
Plaintiff,

Chapter
Thirteen (13)

vs.

LINDA CARUSO, Ind. and as Member and Director of
CARUSO INVESTMENT GROUP LLC;
JOHN CARUSO, a/k/a JOHN R. CARUSO, Ind. and d/b/a
CARUSO INVESTMENT GROUP LLC;
BRIAN A. SPITZ; Ind. and as the Managing Member of
OFF MARKET, LLC, and as PRESIDENT and Director of
BIG STATE HOME BUYERS, LLC; OFF MARKET, LLC
and its Parent Company, NEST NETWORK, LLC;
BIG STATE HOME BUYERS, LLC; ALEJANDRO
SANCHEZ; TIFFANY CARROLL (SCOTT), Ind. and
in her capacity as Assistant Vice President and Senior
Escrow Officer for FIDELITY NATIONAL TITLE
AGENCY, INC.; FIDELITY NATIONAL TITLE AGENCY,
INC., TEXAS FLIPCO FINANCIAL, LLC and FLIPCO
HOLDCO, LLC, parent company of TEXAS FLIPCO
FINANCIAL, LLC, LPT REALTY LLC d/b/a LPT
LPT REALTY,
Defendants.

Adv. Proc. No.
24-03088

JURY TRIAL
REQUESTED

**MOTION FOR LEAVE TO FILE AMENDED COMPLAINT
AND
MOTION FOR CONTINUANCE OF JUNE 13, 2024, 7016 CONFERENCE**

TO THE HON. MARVIN ISGUR, UNITED STATES BANKRUPTCY JUDGE:

1. NOW COMES Jamison H. Dyer, (hereinafter sometimes, “Debtor–Plaintiff”) and files his *Motion for Leave to File Amended Complaint and Motion For Continuance of June 13, 2024, Rule7016 Conference* and would respectfully show the Court as follows:

2. Plaintiff served counsel for the original defendants in the removed case with the original Adversary Petition—the removed state court pleading (Dkt. 1, *et seq.*) and the parties were served by the Bankruptcy Noticing Center with the Court’s Order for Conference (Dkt. 5).

3. In order to comply with the Federal Rules of pleading Dkt 1, the underlying removed state court pleading has been restructured, redrafted, and amended for purposes of this adversary proceeding to claw back into the bankruptcy estate the Debtor’s fraudulently–transferred property.

4. The Amended Complaint includes causes of action for declaratory judgment, fraudulent transfer, and injunctive relief set out in the Amended Complaint, attached hereto as Exhibit A to this Motion, along with the associated exhibits.

5. Further, Debtor–Plaintiff has added an additional defendant, LPT Realty, LLC—the realty sales company which Defendant Sanchez, now a real estate agent, is using to actively market the Debtor’s fraudulently–transferred property.

6. The Court’s Order for Conference (Dkt. 5) was based on the original removed state court petition (Dkt.1) which was not in compliance with the Federal Rules of Pleading. Because of the complexity of the Complaint, as amended, Counsel

respectfully requests the Court re-set the previously-scheduled 7016 hearing set for June 13, 2024, to a later date so that all Defendants, including newly-added Defendant, LPT Realty, LLC, may be served with the Amended Complaint.

7. Counsel has filed *Motion to Employ Special Litigation Counsel Pursuant to 11 U.S.C. §330*, Dkt 5 in Case No. 24-32525, (Dkt. 5), and self-calendared the hearing for July 10, 2024, pursuant to the Court's published procedures . Because the Court has not yet heard the Motion to Employ, in an abundance of caution Counsel has filed this Motion for Leave to File Amended Complaint.

8. Counsel for all original state court Defendants are served with this motion, as well as additional counsel for Defendant Sanchez who have requested notice in the underlying bankruptcy, 24-32525.

9. New Defendant, LPT Realty LLC, is notified of this filing by U.S. Mail, to its Registered Agent.

10. Wherefore, premises considered, Debtor–Plaintiff respectfully requests the Court grant leave to file the Amended Complaint and grant a continuance of the previously-set Rule 7016 motion to a later date.

Respectfully submitted,

Law Office of Susan C. Norman



Susan C. Norman

Bar No. 15083020

P.O. Box 55585

Houston, Texas 77255

(713) 882-2066 phone

(281) 402-3682 fax

SueNorman@SueNormanLaw.com

Attorney for Jamison H. Dyer

(Pending Order to Employ)

Certificate of Service

I hereby certify that on June 7, 2024, I sent a true and correct copy of the *Motion for Leave to File Amended Complaint and Motion For Continuance of June 13, 2024, Rule 7016 Conference* to the below-listed individuals who have electronic service, through the Court's Pacer system, and, by First Class United States Mail, postage prepaid to those who do not use electronic service.


Susan C. Norman

David Peake
Chapter 13 Trustee
via electronic delivery to
Court@PeakeCh13Trustee.com

Parties	Counsel
James Brannon	JamesBrannon@yahoo.com
Linda Caruso,, John Caruso, and Caruso Investment Group LLC	Thomas H. Smith, III at info@RogerGJain.com
Tiffany Carroll (Scott) Fidelity National Title Agency, Inc.	Daniel J. Madden, to Dmadden@FoxRothschild.com Counsel

Brian A. Spitz; Ind. and as the Managing Member of Off Market, LLC, and as President and Director of Big State Home Buyers, LLC; off Market, LLC and Nest Network, LLC; and Big State Home Buyers, LLC	James F. McMartin, IV, at james.mcmartin4@gmail.com and Aaron D. Bieber at aaron@aaronbieberlaw.com
Alejandro Sanchez;	Bruce Rusinzky, bruzinsky@jw.com and Cameron Secord, csecord@jw.com and Brandon Hakari to brandon.hakari@fnf.com and Gregory T. Brewer at gregory.brewer@fnf.com
Texas Flipco Financial, LLC and Flipco Holdco, LLC and W. Keith Maxwell, III and Todd Gibson	servicing@flipcofinancial.com and support@flipcofinancial.com, and Robert P. Debelak, III, atbobby.debelak@mhllp.com
LPT Realty LLC d/b/a LPT Realty	U. S. Mail, Postage prepaid to Registered Agent for Service of Process, Incorp Services, Inc., at 815 Brazos St., Ste 600, Austin. Texas 78701.
Estate of Isaac Dyer Eric Dyer	Rick.Dyer@Spire.net
Lenny Nunez	LeonardNunez.Amtex@gmail.com